

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road, P.O. Box 9133
Concord, MA 01742-9133

Telephone: (978) 341-0036

Facsimile: (978) 341-0136

FACSIMILE COVER SHEET**Examiner:** Phillip Gambel**Group:** 1644**Date:** June 20, 2005**Client Code:** 0975**Facsimile No.:** 571-273-0844**From:** Deirdre E. Sanders, Esq.,

Subject: Copy of Information Disclosure Statement, copy of 1449 Form and copy of postcard, which were filed in the USPTO on February 14, 2005 for U.S. Serial No. 10/010,229 (HBSR Docket No.: 0975.1005-014).

Number of pages including this cover sheet: 6

To follow up on my voice mail message to you today, attached are the IDS, 1449 form and stamped postcard. Please contact me if you would like us to fax the references as well.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

Deirdre E. Sanders
Registration No. 42,122
Telephone: (978) 341-0036
Facsimile: (978) 341-0136
Concord, MA 01742-9133

C:\P\DesktoA\ODMA\N\MODMA\1\HBSR05\Manage_557419.1

Privileged and Confidential - All information transmitted hereby is intended only for the use of the addressee(s) named above. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering the message to the intended recipient(s), please note that any distribution or copying of this communication is strictly prohibited. Anyone who received this communication in error is asked to notify us immediately by telephone and to destroy the original message or return it to us at the above address via first class mail.

Initials: DES/CD/dem Docket No.: 0975.1005-014 Date: February 14, 2005

This is to acknowledge receipt of the following documents each filed under Certificate of Mailing Procedure 37 C.F.R. 1.8:

☒ SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT w/copy
☒ Form PTO-1449 pp 2 ☒ with references (AI2, AJ2 and AQ2) as noted in 1449
☒ Check for \$180.00
___ Copy of International Search Report
___ Authorization to Charge all Fees
___ Other _____



Applicants: Junming Le, et al.
Application No.: 10/010,229 Filed: December 7, 2001
Title: Methods of Treating...

Date received by the PTO: @PFDdesktop\ODMA\MIIDMA\IIBSR05\lManage\531278;1

@PFD:\sktop\ODMA\MHODMA\HBSR05\...anage;531628;1
DES/CD/dcm
February 14, 2005

PATENT APPLICATION
DOCKET NO.: 0975.1005-014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb, David M. Knight and Scott Siegel

Application No.: 10/010,229 Group Art Unit: 1644

Filed: December 7, 2001 Examiner: Phillip Gambel

Confirmation No.: 8474

Title: METHODS OF TREATING MYELODYSPLASTIC SYNDROME WITH ANTI-TNF ANTIBODIES

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
Date 2-14-05	Signature Jennifer Tamey
Typed or printed name of person signing certificate Jennifer Tamey	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted under 37 CFR 1.97(c) together with a \$180.00 fee under 37 CFR 1.17(p).

INFORMATION FROM RELATED LITIGATION

The Rockefeller University and Chiron Corporation have filed a complaint in The United States District Court For The Eastern District of Texas, Marshall Division, Civil Action No. 2-04CV-16, against Centocor, Inc., an assignee of this application, for infringement of U.S. Patent Nos: 6,309,640 and 6,419,927. The accused infringement relates to Centocor, Inc.'s product, REMICADE® infliximab. REMICADE® infliximab is also known as cA2, which is recited in the claims and specification in this application. The validity of this patent application is not at issue in the litigation. Nor is the validity of any related patents or patent applications at issue in this litigation.

10/010,229

-2-

Enclosed herewith is Form PTO-1449, citing U.S. Patent Nos: 6,309,640 and 6,419,927 and their related European application. Copies of these cited references (AI2, AJ2 and AQ7, respectively) are enclosed.

Applicants do not believe that this information is relevant or material to patentability. Applicants merely cite this information in an abundance of caution. Further, Applicants believe that this information is cumulative to References AA and AB, which were cited in the Information Disclosure Statement filed in this application on September 19, 2002. Reference AI2 is a continuation application of Reference AJ2, which is, in turn, a continuation application of References AA and AB and thus have substantially identical disclosures and have the same priority date. In addition, Reference AQ7 claims priority to the same priority applications as References AA and AB and has a substantially identical disclosure.

Applicants request that the information disclosed herein be made of record in this application. Applicants respectfully request that the Examiner return a copy of this Supplemental Information Disclosure Statement and acknowledge the information from the related litigation.

Examiner

Date

Method of payment:

- ☒ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By Deirdre E. Sanders

Deirdre E. Sanders
Registration No.: 42,122
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: February 14, 2005

@PFDesktop\ODMA\MHODMA\HBSR05\...anagc;531628;1
DES/CD/dcm
February 14, 2005

PATENT APPLICATION
DOCKET NO.: 0975.1005-014

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Junming Le, Jan Vilcek, Peter Daddona, John Ghayeb, David M. Knight and Scott Siegel

Application No.: 10/010,229 Group Art Unit: 1644

Filed: December 7, 2001 Examiner: Phillip Gambel

Confirmation No.: 8474

Title: METHODS OF TREATING MYELODYSPLASTIC SYNDROME WITH ANTI-TNF ANTIBODIES

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:	
2-14-05	Jennifer L. Tapey
Date	Signature
Jennifer Tapey	
Typed or printed name of person signing certificate	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement is submitted under 37 CFR 1.97(c) together with a \$180.00 fee under 37 CFR 1.17(p).

INFORMATION FROM RELATED LITIGATION

The Rockefeller University and Chiron Corporation have filed a complaint in The United States District Court For The Eastern District of Texas, Marshall Division, Civil Action No. 2-04CV-16, against Centocor, Inc., an assignee of this application, for infringement of U.S. Patent Nos: 6,309,640 and 6,419,927. The accused infringement relates to Centocor, Inc.'s product, REMICADE® infliximab. REMICADE® infliximab is also known as cA2, which is recited in the claims and specification in this application. The validity of this patent application is not at issue in the litigation. Nor is the validity of any related patents or patent applications at issue in this litigation.

10/010,229

-2-

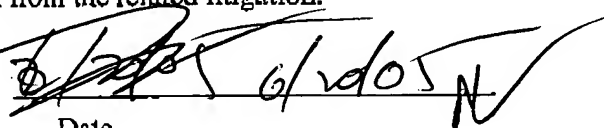
Enclosed herewith is Form PTO-1449, citing U.S. Patent Nos: 6,309,640 and 6,419,927 and their related European application. Copies of these cited references (AI2, AJ2 and AQ7, respectively) are enclosed.

Applicants do not believe that this information is relevant or material to patentability. Applicants merely cite this information in an abundance of caution. Further, Applicants believe that this information is cumulative to References AA and AB, which were cited in the Information Disclosure Statement filed in this application on September 19, 2002. Reference AI2 is a continuation application of Reference AJ2, which is, in turn, a continuation application of References AA and AB and thus have substantially identical disclosures and have the same priority date. In addition, Reference AQ7 claims priority to the same priority applications as References AA and AB and has a substantially identical disclosure.

Applicants request that the information disclosed herein be made of record in this application. Applicants respectfully request that the Examiner return a copy of this Supplemental Information Disclosure Statement and acknowledge the information from the related litigation.



Examiner



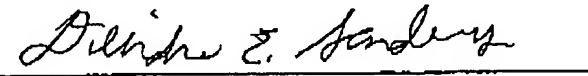
Date

Method of payment:

- ☒ A check for the fee noted above is enclosed, or the fee has been included in the check with the accompanying Reply. A copy of this Statement is enclosed.
- ☒ Please charge any deficiency in fees and credit any overpayment to Deposit Account 08-0380.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

By 

Deirdre E. Sanders
Registration No.: 42,122
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: February 14, 2005